

REMARKS/ARGUMENTS

Applicant submits this amendment in response to the Office Action mailed August 23, 2005.

Applicant respectfully requests reconsideration and allowance of claims 1-21 that are pending in the present application. Applicant has amended claims 1, 6, 14 and 17. No new matter has been added by these claim amendments.

Claim 6 and 14-20 were objected to because of certain informalities, such as quotation marks in the claims. In response, applicant has amended claims 6, 14 and 17 to change "L shape" to --L-shape--. As such, applicant respectfully requests that this rejection be withdrawn.

Claims 1-9 and 13-21 were rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kapnick (U.S. Patent 3,034,139), hereinafter referred to as "Kapnick." Kapnick relates to a portable whirlpool bath device used for hydro therapeutic treatment of certain types of physical ailments. The essential concept of the invention involves a container mounted on legs and suspending from its bottom timer-controlled motor-driven pump means connected to container inlet and outlet ports to permit use of the device for "predetermined periods of reversible cyclical water flow in the container." (Col. 2, lns. 19-24).

Applicant has amended claim 1 to describe a portable foot bath, wherein a jet circulates a liquid in a reservoir and the liquid escapes through a first outlet and a second outlet to simultaneously create a first whirling flow pattern and a second whirling flow pattern, respectively, from the liquid in the reservoir.

Kapnick does not teach or suggest such a feature. Kapnick discloses a pair of ports 21 that "alternate as inlet and outlet ports as determined by the constantly timed reversing operation of the motor-driven pump means 14." (Col. 3, lns. 27-30). This is "to effect a periodic reversing cyclical flow of water in the interior of the container 11." (Col. 4, lns. 11-13). "[T]he end result to be accomplished by this invention is to achieve a portable hydrotherapeutic device which will, by alternately changing the direction of flow of water under pressure in the tank, in a timed relationship, cause effective treatment of the parts of the human body disposed in the tank interior." (Col. 4, lns. 14-20). As Kapnick does not provide for a foot bath device to simultaneously create a first whirling flow pattern and a second whirling flow pattern, applicant respectfully requests that the rejection as to claim 1 be withdrawn.

The rejection should also be withdrawn as to claims 2-13, inasmuch as each of these claims depends, directly or indirectly, from claim 1.

Claim 14 was amended to describe a foot bath wherein water escapes through a plurality of outlets and simultaneously creates a plurality of whirling flow patterns in a substantially circular shaped reservoir when a plurality of adjustable jets circulate the water in the reservoir.

Kapnick does not teach or suggest such a feature. As previously noted, Kapnick discloses a pair of ports 21 that "alternate as inlet and outlet ports as determined by the constantly timed reversing operation of the motor-driven pump means 14." (Col. 3, lns. 27-30). This is "to effect a periodic reversing cyclical flow of water in the interior

of the container 11." (Col. 4, lns. 11-13). "[T]he end result to be accomplished by this invention is to achieve a portable hydrotherapeutic device which will, by alternately changing the direction of flow of water under pressure in the tank, in a timed relationship, cause effective treatment of the parts of the human body disposed in the tank interior." (Col. 4, lns. 14-20). As Kapnick does not provide for a foot bath device wherein water escapes through a plurality of outlets and simultaneously creates a plurality of whirling flow patterns in a substantially circular shaped reservoir, applicant respectfully requests that the rejection as to claim 14 be withdrawn.

The rejection should also be withdrawn as to claims 15-20, inasmuch as each of these claims depends, directly or indirectly, from claim 1.

With regard to claim 21, Kapnick does not teach or suggest a foot bath wherein "said first outlet and said second outlet each have a grate connected thereto, said grate having a convex shape, said convex shape preventing any blockage of said first outlet and said second outlet by the foot." Convex is defined as "[c]urved or rounded outward like the outer surface of a ball." (Webster's II New Riverside Dictionary, Revised Edition, 1996). Kapnick does not teach a grate having a curved or rounded outward shape. In fact, Kapnick shows a grate having a flat shape. (See Fig. 1). This would not help in preventing any blockage of a first outlet and a second outlet by a foot. As such applicant respectfully requests that the rejection as to claim 21 be withdrawn.

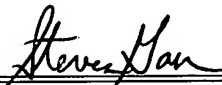
Claims 10-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kapnick in view of Maxwell (U.S. Patent 6,309,366.) As previously noted, Kapnick does not

teach or suggest a foot bath device to simultaneously create a first whirling flow pattern and a second whirling flow pattern as in claim 1, which is incorporated by dependency in claims 10-12. Maxwell has not been asserted as teaching anything that would remedy this deficiency in Kapnick. As such, for the reasons stated above, Kapnick and Maxwell do not teach all the elements of claims 10-12 and applicant respectfully requests that this rejection be withdrawn.

In view of the foregoing, applicant respectfully submits that all claims present in this application are patentable over the prior art. Accordingly, applicant respectfully requests favorable reconsideration and withdrawal of the rejections of the claims. Also, applicant respectfully requests that this application be passed to allowance.

Respectfully submitted,

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